

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

John Fralish, <i>on behalf of himself and</i>	)	CASE NO. 3:22-cv-176-DRL-MGG
<i>others similarly situated,</i>	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
Ceteris Portfolio Services, LLC,	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF’S UNOPPOSED MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT**

John Fralish (“Plaintiff”), with the consent of Ceteris Portfolio Services, LLC (“Defendant”), respectfully moves this Court under Rule 23(e) for preliminary approval of the parties’ class action settlement. The settlement, which followed a year of contested litigation, resolves the claims of Settlement Class Members (defined below) under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.

To that end, Defendant will create a non-reversionary, all-cash settlement fund of \$761,850.00, from which participating Settlement Class Members will receive *pro rata* payments after deducting related settlement costs. Plaintiff anticipates a per-claimant recovery of between \$300 and \$900 each, which is well in line with, and in most cases far surpasses, similar TCPA class settlements recently approved.

Plaintiff now seeks this Court’s preliminary approval of the parties’ class settlement, his appointment as class representative, and his counsel’s appointment as Class Counsel for the following Settlement Class:

All persons and entities throughout the United States (1) to whom Ceteris Portfolio Services, LLC delivered, or caused to be delivered, a voice mail box direct drop or

ringless voice message, (2) between June 1, 2021 and February 1, 2023, (3) to a cellular telephone number Ceteris Portfolio Services, LLC designated with an internal “wrong number” designation at some point during the account history.

As explained in the accompanying memorandum of law, Plaintiff’s and the Settlement Class Members’ claims are eminently suitable to class treatment, particularly in the context of the settlement presented. Furthermore, the resolution reached is fair and reasonable and should be preliminarily approved such that the parties may move forward with their proposed class notice program.

Submitted herewith is a proposed order of preliminary approval. Defendant does not oppose the relief sought.

Dated: April 12, 2023

/s/ Michael L. Greenwald

Michael L. Greenwald

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